

REMARKS

Further prosecution of the present application and reconsideration and withdrawal of the rejections of the claims is respectfully requested.

The Office Action has withdrawn all of the 35 U.S.C. Section 102 rejections, agreeing with applicant that the device of the present invention is not anticipated. Applicant respectfully thanks the Examiner for the withdrawal of these rejections.

Applicant encloses proposed drawing changes as requested by the Office Action. The drawing changes are made on the pages of drawings that show the previous changes made. The present changes are made in red ink. Applicant has amended the specification as requested by the Office Action. Further, Applicant has amended the specification to more clearly disclose the device of the present invention. No new matter has been added, as the amendment reflects what is shown in the drawings filed in the original application.

The Office Action has rejected claims 10, 11, 14 and 15, under 35 U.S.C. § 112, first paragraph, as failing to comply with the written requirement. The Office Action states that the claims contain subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the invention was filed, had possession of the claimed invention. Specifically, the Office Action is arguing that the straps of the harness are not attached to each other because the drawings do not specifically show an attachment and the specification does not indicate that the straps are attached to each other.

Applicant notes that attachment of the straps is disclosed in the original claims of the application. The original claims, that is those that are rejected in the present Office Action, disclose the attachment of the elements of the harness. MPEP section 608.01(l) states:

In establishing a disclosure, applicant may rely not only on the description and drawing filed **but also on the original claims** if their content justifies it.

Where subject matter not shown in the drawings or described in the description is claimed in the application as filed, **and such original claim constitutes a clear disclosure of the subject matter, then the claim should be treated on its merits, and requirement made to amend the drawings and description to show this subject matter.** The claim should not be attacked either by objection or rejection because this subject

mater is lacking in the drawing and description. It is the drawing and description that are defective, not the claim.

It is, of course, to be understood that this disclosure in the claim must be sufficient specific and detailed to support the necessary amendment of the drawing and description. (emphasis added)

The proposed drawing amendments show a point of attachment of the belts but do not show any specific type of attachment means since "attachment" is disclosed in the original claims but the means are not. Applicant is of the opinion that those manners of attachment previously shown in the drawings and previously noted in the specification (as a result of a previous amendment) are well known and do not add new matter to the application. Applicant has not claimed the manner of attachment, merely that an attachment exists. Attachment of the belts is described in the original claims, which in accordance with MPEP sections 608.01(l) and 608.04, are not considered new matter in an application. It is respectfully submitted that as previously amended the drawings should be acceptable, however, in order to accelerate the acceptance of the present application, the drawings have been amended in line with the requests of the Examiner.

Further, Applicant respectfully submits that a "harness", by definition, includes an assembly of **attached** elements. To reason otherwise is to suggest that a collection of unattached elements could be called a "harness". It is also submitted that persons having ordinary skill in the art would know that a harness, as described in the specification, shown in the drawings, and disclosed in the claims, would include belts that are attached together. Further, such persons would know that the belts would be attached by the means suggested in the previous amendment to specification paragraph 0050. Applicant earnestly requests that these objections and rejections be withdrawn.

The claims as presently amended teach a harness that is to be worn by a person in an automobile. The harness comprises belts that are attached together and comprise elements such that the user, typically a child, is secured within the automobile using the automobile's restraint system, rather than a booster seat system. Further, the claims have been amended to more clearly disclose the manner of the formation of the five point restraint system and the use of undulated segments of the harness straps that inherently absorb the energy and stresses in an automobile to

further protect the user. The clip system of the present invention further provides for the use of the shoulder belt, on a child, where typically a shoulder belt cannot be used as it does not lay in an appropriate place on a child's small frame. None of the references used in the Office Action to reject the invention show, teach or suggest this combination of elements.

The Office Action rejects claims 3-6, 8, 9, 13, 17, 18 and 20-23, under 35 U.S.C. §103(a) as being unpatentable over Lipper et al. ('418) in view of Masuda et al. (U.S. 6,314,578 B1) and Rupert et al. ('474) or Murray ('014). It is respectfully submitted that as amended, the device of the present invention is not taught by any combination of the above noted references.

The Office Action rejects claims 10, 11 and 14-16, under 35 U.S.C. §103(a) as being unpatentable over Lipper et al. ('418) in view of Masuda et al. ('578) and Ripert et al. ('474) or Murray ('014) and further in view of Olaiz (US 5,927,235). It is respectfully submitted that as presently amended the device of the present invention is not taught by any combination of the cited references.

The Office Action has rejected claim 7, 12 and 19 under 35 U.S.C. §103(a) as being unpatentable over Lipper et al. ('418) in view of Masuda ('578) and Rupert et al. ('474) and further in view of Bowtell (AU 9959355 A). It is respectfully submitted that as presently amended the device of the present invention is not taught by any combination of the cited references.

Applicant believes that there is no fee due in connection with this response. If, however, there is a fee due the Commissioner is hereby authorized to charge the unpaid amount, or credit any overpayment, to Deposit Account No. 23-0920.

Reconsideration and withdrawal of the rejections of the claims is respectfully requested. A sincere effort has been made to overcome the Office Action's rejection and to place the application in allowable condition. Applicant invites the Examiner to call Applicant's attorney to discuss any aspects of the invention that the Examiner may feel are not clear or which may require further discussion.

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In view of the foregoing remarks and amendments, it is believed that the subject application is now in condition for allowance, and an early Notice of Allowance is respectfully requested.

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Respectfully submitted,

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